

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 05-178-JD

Land and Buildings Located at 4 Meetinghouse
Terrace, Bedford, NH, with all Appurtenances and
Improvements Thereon, owned by Edward Baroody
and Esther Baroody;

A Certain Condominium Located at 937 Weirs
Boulevard, Unit 5, Laconia, New Hampshire,
with all Appurtenances and
Improvements Thereon, Titled to Stephen Vilela,
or proceeds from the sale of a Certain
Condominium Located at 937 Weirs Boulevard, Unit 5,
Laconia, New Hampshire, with all Appurtenances
and Improvements Thereon, Titled to Stephen Vilela;

Defendant.

**ORDER ON ASSENTED-TO MOTION TO SUBSTITUTE AND FORFEIT
\$22,500 FOR DEFENDANT IN REM 937 WEIRS BEACH BOULEVARD, UNIT 5,
LACONIA, NEW HAMPSHIRE, AND TO DISMISS DEFENDANT IN REM
937 WEIRS BEACH BOULEVARD, UNIT 5, LACONIA, NEW HAMPSHIRE**

On May 25, 2005, the United States commenced an action by Verified Complaint for Forfeiture in Rem, seeking, *inter alia*, the forfeiture of the defendant in rem real property 937 Weirs Beach Boulevard, Unit 5, Laconia, New Hampshire, titled to Stephen Vilela, pursuant to 21 U.S.C. § 881(a)(6). This Complaint, and Notice of Complaint, were served on all known potential claimants, including Stephen Vilela.

2. Stephen Vilela filed a timely claim.

3. The United States and claimant Stephen Vilela have reached an agreement which provides for the substitution of \$22,500 in United States funds for the *res* of the defendant in

rem, 937 Weirs Beach Boulevard, Unit 5, Laconia, New Hampshire, and for the forfeiture of the substitute *res*. The defendant in rem 937 Weirs Beach Boulevard, Unit 5, Laconia, New Hampshire, will be dismissed from this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That the sum of \$22,500 in U.S. Currency is hereby substituted as the *res* for the defendant in rem 937 Weirs Beach Boulevard, Unit 5, Laconia, New Hampshire;

B. That the defendant in rem 937 Weirs Beach Boulevard, Unit 5, Laconia, New Hampshire is hereby dismissed from this proceeding;

C. That all rights, title and interests to the substituted defendant in rem \$22,500 in United States Currency is hereby condemned, forfeited and vested in the United States of America pursuant to 21 U.S.C. § 881(a)(6), free from the claims of any other party.

D. That the substituted defendant in rem \$22,500 in United States Currency shall be disposed of by the Department of Homeland Security, United States Immigration and Customs Enforcement in accordance with the applicable law and regulations. These funds, less costs to the United States Immigration and Customs Enforcement associated with the defendant in rem shall be deposited into the U.S. Treasury Asset Forfeiture Fund in accordance with Title 31, United States Code, Section 9703(a).

E. Stephen Vilela shall bear his own costs of this proceeding, including attorney's fees, if any.

The Clerk is hereby directed to send three certified copies of this Order to the United States Attorney's Office, Attention: Assistant U.S. Attorney Robert J. Rabuck.

Dated: November 6, 2006 _____

/s/ Joseph A. DiClerico, Jr.

UNITED STATES DISTRICT JUDGE